

VERIFICATION OF COMPUTER-BASED SERVICES

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Walt Brooks

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts a provision relating to verifying computer-based services of contractors.

Highlighted Provisions:

This bill:

▶ enacts a provision requiring a contract of an executive branch procurement unit under which a contractor provides computer-based services to verify charges for computer-based services.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

63G-6a-1211, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63G-6a-1211** is enacted to read:

63G-6a-1211. Contracts that include computer-based services.

(1) As used in this section:

(a) "Computer-based services" means professional or technical services that are:



28 (i) performed using a computer; and

29 (ii) charged by the hour.

30 (b) "Computer-based services contract" means a contract that:

31 (i) provides for the contractor to be paid \$500,000 or more; and

32 (ii) contemplates the contractor to provide services that include computer-based
33 services.

34 (c) "Verifying software" means computer software that:

35 (i) verifies the time during which a computer is in actual use while a contractor is
36 performing computer-based services by:

37 (A) tracking total keystroke and mouse event frequency; and

38 (B) taking a screenshot at least once every three minutes; and

39 (ii) enables the procurement unit to verify that hours charged by the contractor for
40 computer-based services are justified by the actual number of computer-based services
41 performed.

42 (2) An executive branch procurement unit that enters into a computer-based services
43 contract shall ensure that the contract includes provisions that:

44 (a) require the contractor under the contract to:

45 (i) use verifying software for any computer-based services provided by the contractor;

46 (ii) provide to the procurement unit or an auditor of the procurement unit an automated
47 real-time cost status of each task that is part of computer-based services;

48 (iii) allow the procurement unit, at no cost, to:

49 (A) access or use the verifying software; or

50 (B) retrieve data collected by the verifying software; and

51 (iv) retain data collected by the verifying software for a period of no more than seven
52 years;

53 (b) ensure that the procurement unit pays only for computer-based services performed
54 by the contractor that are verified using verifying software; and

55 (c) allow the procurement unit or an auditor of the procurement unit, during the term of
56 the contract, to have access to data collected or provided by the verifying software:

57 (i) in real time; and

58 (ii) at any time after the data are collected or provided.

- 59 (3) (a) Verifying software used by a contractor shall:
60 (i) allow the procurement unit to provide immediate feedback to the contractor on work
61 in progress; and
62 (ii) protect from disclosure all confidential data on individuals, consistent with federal
63 and state law.
64 (b) (i) A contractor may acquire verifying software from an independent source.
65 (ii) An independent source from which a contractor acquires verifying software:
66 (A) may not have access to a screenshot produced by the verifying software; and
67 (B) may be provided access to data related to usage of the verifying software.
68 (4) Data collected by verifying software is considered to be accounting records
69 belonging to the contractor.